

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, et al.,

Defendants.

Civil Action File No:
1:17-CV-02989-AT

DECLARATION OF RICHARD J. CAPRIOLA

1.

My name is Richard J. Capriola. I am over the age of 18 and I am competent to make this Declaration. I make this Declaration based on my personal knowledge and information.

2.

I am an attorney duly licensed to practice law in the State of Georgia, practicing with the law firm of Winter Capriola Zenner, LLC, One Ameris Center, 3490 Piedmont Road, NE, Suite 800, Atlanta, Georgia 30305.

3.

My firm and I were retained by Paul V. Maggio with respect to two subpoenas issued in the above-styled case. One of the subpoenas required Mr.

Maggio to appear and testify at a deposition on July 11, 2022 at 9:00 a.m. The location of the deposition was identified as Krevolin & Horst, LLC, 1201 W. Peachtree St., NW, Suite 3250, Atlanta, Georgia 30309. The subpoena identifies Halsey G. Knapp, Jr. as the attorney representing certain Plaintiffs in the case.

4.

On July 11, 2022, Mr. Maggio and I appeared at the office of Krevolin & Horst, LLC as directed by the subpoena. When we arrived, we were informed by Mr. Knapp that he did not know of the scheduled deposition, did not have a court reporter and was not prepared to go forward with Mr. Maggio's deposition.

5.

At no time before July 11, 2022 did I inform Mr. Knapp or any counsel for Plaintiff that Mr. Maggio would not appear for his deposition at the scheduled time.

6.

Prior to the deposition I placed two phone calls to Mr. Knapp to discuss the subpoenas but received no response.


7.

By letter of June 24, 2022, I asked Mr. Knapp if Plaintiffs would extend the deadline for Mr. Maggio to respond to the Subpoena to Produce Documents due to

my previously scheduled vacation the week of June 27, 2022. (A true and accurate copy of the June 24, 2022 letter is attached hereto as Exhibit "A.") On June 28, 2022, Mr. Knapp responded by email offering a two-day extension, but only if Mr. Maggio waived his right to file a motion to quash the subpoena. (A true and accurate copy of the June 28, 2022 email is attached hereto as Exhibit "B.")

I, Richard J. Capriola, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 26th day of July, 2022.


Richard J. Capriola

**RULE 7.1 CERTIFICATE OF COMPLIANCE WITH L.R. 5.1 AND
CERTIFICATE OF SERVICE**

I certify that the foregoing document was prepared using 14 point Times New Roman font in compliance with Local Rule 5.1. This certificate is given in compliance with Local Rule 7.1(D).

This also certifies that I have served counsel with the foregoing by filing it using the CM/ECF system, which will send notification of the filing to all attorneys of record in this case.

This 26th day of July 2022.

WINTER CAPRIOLA ZENNER, LLC

By: /s/ Richard J. Capriola

Richard J. Capriola
Georgia Bar No. 108880
Eric B. Coleman
Georgia Bar No. 107648

Attorneys for Non-Party Paul V. Maggio

3490 Piedmont Road, N.E, Suite 800
Atlanta, GA 30305
(404) 844-5700
(404) 844-5701 (fax)
rcapriola@wczlaw.com
ecoleman@wczlaw.com

Richard J. Capriola, Esq.
dir tel 404.844.5637
rcapriola@wczlaw.com



Winter Capriola Zenner, LLC
One Securities Centre
3490 Piedmont Road NE
Suite 800
Atlanta, Georgia 30305
tel 404.844.5700
fax 404.844.5701
wczlaw.com

June 24, 2022

VIA EMAIL hknapp@khlawfirm.com

Halsey G. Knapp, Jr., Esq.
Krevolin & Horst, LLC
One Atlanta Center
1201 West Peachtree Street, NW
Suite 3250
Atlanta, GA 30309

Re: Donna Curling, et al. v. Brad Raffensperger, et al., United States District Court,
Northern District of Georgia, Civil Action File No. 1:17-CV-2989-AT

Dear Halsey:

I am following up on my voicemail message to you earlier this week. I represent Paul Maggio and am in receipt of two Subpoenas you served in the above-referenced lawsuit. As I mentioned in my voicemail, I am on vacation the week of June 27th returning to the office on July 5th, and request that the deadline for Mr. Maggio to respond to the Subpoena to Produce Documents be extended up to and through July 8, 2022.

Please let me know if you consent to this extension at your earliest convenience.

Sincerely,

/s/ Richard J. Capriola

Richard J. Capriola

RJC/jw

From: [Halsey G. Knapp, Jr.](#)
To: [Joanie J. Williams](#); [Adam M. Sparks](#); [David Cross \(dcross@mofo.com\)](#)
Cc: [Richard J. Capriola](#); [Kaiser, Mary](#)
Subject: RE: Donna Curling, et al. v. Brad Raffensperger, et al./Letter from Richard J. Capriola, Esq.
Date: Tuesday, June 28, 2022 7:02:28 PM
Attachments: [image002.png](#)
[image004.gif](#)
[image001.png](#)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Richard,

I am able to grant your client a two-day extension Mr. Maggio intends to respond to the request by providing responsive documents. However, if his intention is simply to file a motion to quash, we would prefer not to delay that process, and I am not in a position to extend unless there is some personal hardship you or Mr. Maggio would suffer in the absence of an extension.

Please advise.

Halsey G. Knapp, Jr.
Crisis Management/Voting & Elections
Business Disputes

Tel: 404-888-9611
Email: hknapp@khlawfirm.com

One Atlantic Center
1201 West Peachtree Street, NW
Suite 3250 | Atlanta, GA 30309
Tel: 404-888-9700
www.khlawfirm.com

Chambers USA America's Leading Lawyers for Business Guide:
Georgia General Commercial Litigation 2008-2020
Georgia Registered Neutral (Mediator) 2011-2015
Top 100 Georgia Lawyers 2009-2018
Super Lawyers 2004-2020

A Member of Primerus International Society of Law Firms

The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of client(s) represented by Krevolin & Horst, LLC in the particular matter that is the subject of this message, and may not be relied upon by any other party.

Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.

From: Joanie J. Williams <jwilliams@wczlaw.com>
Sent: Friday, June 24, 2022 9:30 AM
To: Halsey G. Knapp, Jr. <hknapp@khlawfirm.com>
Cc: Richard J. Capriola <rcapriola@wczlaw.com>
Subject: Donna Curling, et al. v. Brad Raffensperger, et al./Letter from Richard J. Capriola, Esq.

Please see the attached correspondence from Richard J. Capriola, Esq.

Thank you.



Joanie Williams
Legal Assistant to
Richard J. Capriola, Esq.
Eric B. Coleman, Esq.
Kamyar Molavi, Esq.

Winter Capriola Zenner, LLC
One Ameris Center
3490 Piedmont Road NE, Suite 800
Atlanta, GA 30305
www.wczlaw.com
jwilliams@wczlaw.com

tel 404.844.5700
dir tel 404.844.5679
fax 404.844.5701

This communication (together with all attachments) may contain privileged or confidential information and its sender reserves and asserts all rights that may apply to it. If you are not the intended recipient or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate or otherwise use the information. Also, please indicate to the sender that you have received this communication in error and delete the copy you received. Thank you. This communication is from a debt collector. This correspondence is an attempt to collect a debt and any information obtained will be used for that purpose